

## REMARKS

### Claim Objections

Claims 1-14 were objected as being vague with respect to the claim term “measurement malfunction”. The applicant has amended claim 1 to clear up any vagueness. The specification clearly describes a weather measuring device as advantageously being comprised of various sensors (e.g. temperature sensor, ultra violet sensor, and so on) and devices that measure weather factors. Thus, claim 1 has been amended to more particularly point out that the malfunction is related to the weather measuring device.

### Claim Rejections – 35 U.S.C. §102

The Office rejected claims 1 and 9 as being anticipated by Frankel et al. (U.S. Patent 5140523) (Frankel). The applicant respectfully disagrees.

Frankel teaches a lightning prediction system with an evaluation / retraining element. The ‘523 patent describes an array of sensors that collect weather data. “Based on the information gathered from these sensors in the past, a processor determines correlations between the weather data collected at given times in the past and the occurrence of lightning in the given area.” (column 2, lines 54-60). The probability of lightning is then determined based on weather data presently being collected. Based on an evaluation of the performance, the system can be retrained.

First, Frankel fails to disclose a warning system. Frankel is an evaluation / retraining system and is not, therefore, designed to produce a warning upon a sensor or weather measuring device malfunction. In fact, Frankel does not contemplate malfunctions of the sensors at all.

Amended claim 1 also recites a comparison between current weather data and historical weather data (“compare the current weather data to the historical weather data”). Frankel does not disclose such a comparison. Instead, Frankel teaches that past weather data is compared with occurrence information to create a correlation. The correlation is then used along with current weather data to predict the probability of lightning. This is different than a simple comparison of

past data with current. This difference is elucidated by an analysis of the use of the comparative data. In amended claim 1, the comparative data is used to indicate a weather measuring device malfunction; in Frankel, it is used to predict lightning. Additionally, Frankel derives both the past weather data and current weather data from the same sensors. Even if a sensor were malfunctioning, such a malfunction would likely not be evident based on a comparison of flawed data with other flawed data. In the present invention, on the other hand, the historical data is derived from a device other than the weather measuring device, and in fact the specification states that “the historical weather data is preferably from a site with similar meteorological conditions as to the site where the measuring device(s) are located.”

**Claim Rejections – 35 U.S.C. §103**

**37 C.F.R. § 1.56**

The Office has advised applicant that pursuant to 37 CFR 1.56 the applicant is required to point out the inventor and invention dates for each claim that was not commonly owned at the time a later invention was made.

The applicant responds by pointing out that each claim was commonly owned at the time the invention was filed and continues to be commonly owned.

**35 U.S.C. §103(a)**

The Office rejected claims 2-14 as being obvious over Frankel and obvious over Frankel in view of Miller. The applicant disagrees especially in view of the arguments above with regard to claim 1.

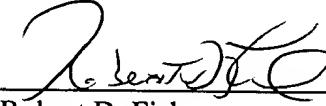
Based on the failure to disclose, teach, or suggest all of the claimed elements of independent claim 1, all of the claim rejections are respectfully traversed.

Respectfully submitted,

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